

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor(s): Mooi Choo Chuah et al.
Case: Chuah 73-19 (LCNT/125735)
Serial No.: 10/658,674
Filed: September 9, 2003
Examiner: Huynh, Chuck
Title: COMMUNICATIONS PROTOCOL BETWEEN A GATEWAY AND AN ACCESS POINT

Group Art Unit: 2617
Confirmation #: 2217

**MAIL STOP APPEAL BRIEF-PATENTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Dear Sir or Madam:

REPLY BRIEF

Appellants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer, dated September 12, 2011, in the Appeal of the above-identified application.

The Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 50-4802/ALU/125735.

Remarks

In Section 10 (Response to Arguments) of the Examiner's Answer, the Examiner purports to provide answers to the various arguments made by the Appellants in the Appeal Brief filed for the above-identified application. Appellants address the Examiner's arguments hereinbelow.

I. Rejection of Claims 1-2 Under 35 U.S.C. 103(a)

Section A

Point 1

First, the Examiner asserts that "... [t]he broadest interpretation of a WAN is a wireless area network, as suggested by Applicant..." and that "...[t]he broadest interpretation of a cellular wireless network in the art is also known as a wireless area network." (See Examiner's Answer, Pg. 11). Appellants disagree. In response, Appellants submit that Appellants' specification indicates that wireless area networks include wireless local area networks (WLANs), wireless personal area networks (WPANs), and other types of wireless area networks that will be understood as falling outside of the scope of a cellular wireless network. For example, Appellants' specification states that "[t]he communications protocol and method of the present invention are illustratively described in the context of a wireless network having a plurality of gateways and access points, however, one skilled in the art will appreciate that the communications protocol and associated methods may be implemented in other types of network environments, such as Hyperlan, wireless personal area networks, 802.16 protocol networks, among others." (See Appellants' Specification, Pg. 4, Lines 9 – 14, Emphasis added). Thus, Appellants' statement that Matturi and Gray fail to teach or suggest a WAN gateway as recited in Appellants' claim 1 is supported by Appellants' specification.

Second, the Examiner asserts that Appellants' arguments with respect to this point are moot, "...since the rejection does not rely on the reference of Matturi to fully disclose limitations of receiving at a WAN gateway, from at least one wireless access point receiving a discovery message, an access point registration request including access point registration information."

(See Examiner's Answer, Pgs. 11 -12, Emphasis added). In response, Appellants submit that, by the Examiner's own admission, Appellants' arguments are not moot. Namely, the Examiner states that the rejection does not rely on Matturi to "fully" disclose these limitations. However, Appellants note that, since the Examiner does at least partially rely on Matturi with respect to these limitations, that Appellants' arguments in relation to Matturi are applicable.

Finally, the Examiner asserts that Gray does disclose the limitation of a WAN gateway and then cites various sections of Gray as support for this assertion. (See Examiner's Answer, Pg. 12). In response, Appellants submit that each of the sections of Gray cited by the Examiner has already been addressed in detail by the Appellants in Appellants' Appeal Brief. (See Appellants' Appeal Brief, Section I.A.2.b, Pgs. 15 – 19). Furthermore, Appellants note that the Examiner failed to respond to the various arguments provided by Appellants in this section of the Appeal Brief. The Examiner's arguments in the Examiner's Answer are almost identical to the arguments provided by the Examiner in the Claim Rejections section of the Final Office Action, dated June 16, 2010.

Point 2

Sub-Point (a)

The Examiner asserts that Appellants' arguments with respect to Matturi are moot, because Matturi is not relied upon to reject the argued limitations. (See Examiner's Answer, Pgs. 12 – 13).

In response, Appellants submit that, to the extent that any portion of Matturi is relied upon by the Examiner in this regard, Appellants have already addressed this in the Appeal Brief (See Appellants' Appeal Brief, Pgs. 13 – 15).

Sub-Point (b)

The Examiner asserts that Gray discloses the limitation of "receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Appellants' claim 1.

As support for this assertion, the Examiner cites specific sections of Gray. (See Examiner's Answer, Pgs. 13 – 14).

In response, Appellants submit that each of the sections of Gray cited by the Examiner has already been addressed in detail by the Appellants in Appellants' Appeal Brief. (See Appellants' Appeal Brief, Section I.A.2.b, Pgs. 15 – 19). Furthermore, Appellants note that the Examiner failed to respond to the various arguments provided by Appellants in this section of the Appeal Brief. The Examiner's arguments in the Examiner's Answer are almost identical to the arguments provided by the Examiner in the Claim Rejections section of the Final Office Action, dated June 16, 2010.

Section B

In this section of the Examiner's Answer, the Examiner purports to address Appellants' argument that the Examiner failed to consider all of the words of Appellants' claim 1 in judging the patentability of Appellants' claim 1. (See examiner's answer, pages 14 – 15).

In response, Appellants submit that, again, the Examiner failed to respond to the various arguments provided by Appellants regarding the failure of the Examiner to consider all of the words of Appellants' claim 1 in judging the patentability of Appellants' claim 1.

First, the Examiner again cites the same sections of Matturi and Gray already discussed by the Examiner in the Final Office Action dated June 16, 2010 as well as in the Examiner's Answer as described hereinabove, which have already been addressed by Appellants in the Appeal Brief and again hereinabove.

Second, Appellants note that the Examiner again relies on general statements which do not address the specific limitations of Appellants' claim 1. Namely, the Examiner states that "[s]ince Matturi is concerned with the connecting base stations, which are also known as access points, to the network through the exchange of identification information and then accepting the access points to the network...and Gray is similarly concerned with the registration and management of Access Points...it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's disclosure of attaining, through discovery communication exchanges, information unique to access point...for registration and isolation of rogue access points...." (See Examiner's Answer, Pg. 15). Appellants submit that this general statement fails to address the specific limitations of Appellants' claim 1.

II. Rejection of Claims 3-7 Under 35 U.S.C. 103(a)

Section A

Point 1

First, the Examiner asserts that "... [t]he broadest interpretation of a WAN is a wireless area network, as suggested by Applicant..." and that "...[t]he broadest interpretation of a cellular wireless network in the art is also known as a wireless area network." (See Examiner's Answer, Pg. 16). Appellants disagree. In response, Appellants submit that this assertion made by the Examiner with respect to Appellants' claim 3 is identical to the assertion made by the Examiner with respect to Appellants' claim 1, as discussed by Appellants' hereinabove with respect to Appellants' claim 1 (see Section I.A.1 supra).

Second, the Examiner asserts that Appellants' arguments with respect to this point are moot "...since the rejection does not rely on the reference of Matturi to fully disclose limitations of receiving at a WAN gateway, from at least one wireless access point receiving a discovery message, an access point registration request including access point registration information." (See Examiner's Answer, Pg. 16, Emphasis added). In response, Appellants submit that, by the Examiner's own admission, Appellants' arguments are not moot. Namely, the Examiner states that the rejection does not rely on Matturi to "fully" disclose the "WAN" feature. However, Appellants note that, since the Examiner does at least partially rely on Matturi with respect to the "WAN" feature, that Appellants' arguments in relation to Matturi are applicable. Furthermore, Appellants submit that the Examiner's assertion in this section of the Examiner's Answer quotes a feature of Appellants' claim 1, not Appellants' claim 3, and, thus, does not provide a suitable basis for rejection of Appellants' claim 3.

Finally, the Examiner asserts that Gray does disclose the limitation of a WAN gateway and then cites various sections of Gray as support for this assertion. (See Examiner's Answer, Pg. 17). In response, Appellants submit that each of the sections of Gray cited by the Examiner has already been addressed in detail by the Appellants in Appellants' Appeal Brief. (See Appellants' Appeal Brief, Section I.A.2.b, Pgs. 15 – 19). Furthermore, Appellants note that the Examiner failed to respond to the various arguments provided by Appellants in this section of the Appeal

Brief. The Examiner's arguments in the Examiner's Answer are almost identical to the arguments provided by the Examiner in the Claim Rejections section of the Final Office Action, dated June 16, 2010.

Point 2

Sub-Point (a)

First, the Examiner asserts that "Applicant is reading more into the claim than what is actually claimed" and that "...[n]owhere in the claim does it claim that the WAN Gateway receives more than a single communication from the WAN and an access point." (See Examiner's Answer, Pgs. 17 – 18). In response, Appellants submit that Appellants' claim 3 clearly indicates that multiple service discovery messages are received. Namely, Appellants' claim 3 specifically recites "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received" (emphasis added).

Second, the Examiner asserts that Appellants' claim 3 does not "...[c]learly disclose whether the more than one service discovery messaged [sic] received is from one access point or each from a different access point." (See Examiner's Answer, Pg. 18). In response, Appellants submit that this feature of Appellants' claim 3 is directed toward selection of an appropriate WAN gateway in an instance where more than one service discovery message is received, such that it is clear that the multiple service discovery messages are received from multiple WAN gateways (otherwise there wouldn't be a need for performing the step of selecting an appropriate WAN gateway).

Third, the examiner asserts that "...[t]he features upon which applicant relies...are not recited in the rejected claim(s)." (See Examiner's Answer, Pg. 18). In response, Appellants submit that the feature quoted by the Examiner in this portion of the Examiner's Answer is a discussion of the teachings of Matturi, not an assertion by the Appellants that this feature forms part of Appellants' claim 3. This statement provided in the Appeal Brief was intended to illustrate that, since the Examiner's rejection is based on an assertion that the base station and the base station controller of Matturi correspond to the wireless access point and the WAN gateway of Appellants' claim 3, respectively, Matturi must disclose that a base station selects an

appropriate base station controller in an instance where more than one service discovery message is received from more than one base station controller in order for Matturi to be held to disclose the feature of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received” that is recited in Appellants' claim 3.

Finally, the Examiner asserts that FIG. 1 of Matturi shows a plurality of BTS elements that “...can also be sending discovery identification information and it would be part of the particular BTS to ignore information from other BTSs and only choose to receive data from the certain BCS for communication setup.” (See Examiner's Answer, Pg. 18). In response, Appellants submit that the Examiner's assertion is merely speculation by the Examiner as to the capabilities of the BTSs of Matturi, and that the Examiner fails to cite any portion of Matturi that supports the Examiner's speculative statements (namely, the Examiner only states that “Matturi does disclose the plurality of BTSes (Fig. 1) and the BTS monitors and communicates over specified time slot with the MCS (Col 7, lines 36-43, 48-56),” neither of which, even if disclosed by the cited portions of Matturi, supports the Examiner's assertions regarding the capability of the BTSs to send discovery identification information). Further in response, Appellants submit that the Examiner's assertions regarding Matturi are inconsistent with other portions of Appellants' rejection in which the Examiner asserts that the base stations and base station controllers of Matturi disclose the wireless access points and WAN gateway of Appellants' claim 3, respectively.

Sub-Point (b)

The Examiner asserts that Appellants' argument with respect to Gray is moot because Gray was not used to show the limitation of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received.” (See Examiner's Answer, Pg 19).

In response, Appellants submit that, to the extent that the examiner relies upon Gray at all in showing the limitation “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is receive,” Appellants' arguments are maintained.

Point 3

Sub-Point (a)

The Examiner asserts that Appellants' argument with respect to Matturi is moot because Matturi was not used to show the limitation of "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point toward said selected WAN gateway." (See Examiner's Answer, Pg 19). In response, Appellants submit that, to the extent that the examiner relies upon Matturi at all in showing the limitation "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point toward said selected WAN gateway," Appellants' arguments are maintained.

Sub-Point (b)

The Examiner asserts that Gray discloses the limitation of "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point toward said selected WAN gateway," as claimed in Appellants' claim 3. As support for this assertion, the Examiner cites specific sections of Gray. (See Examiner's Answer, Pgs. 19 – 20). In response, Appellants submit that each of the sections of Gray cited by the Examiner has already been addressed in detail by the Appellants in Appellants' Appeal Brief. (See Appellants' Appeal Brief, Section II.A.3.b, Pgs. 29 – 32). Furthermore, Appellants note that the Examiner failed to respond to the various arguments provided by Appellants in this section of the Appeal Brief. The Examiner's arguments in the Examiner's Answer are almost identical to the arguments provided by the Examiner in the Claim Rejections section of the Final Office Action, dated June 16, 2010.

Section B

In this section of the Examiner's Answer, the Examiner purports to address Appellants' argument that the Examiner failed to consider all of the words of Appellants' claim 3 in judging the patentability of Appellants' claim 3. (See Examiner's Answer, Pgs. 20 – 22).

In response, Appellants submit that, again, the Examiner failed to respond to the various arguments provided by Appellants regarding the failure of the Examiner to consider all of the words of Appellants' claim 3 in judging the patentability of Appellants' claim 3.

First, the Examiner again cites the same sections of Matturi and Gray already discussed by the Examiner in the Final Office Action dated June 16, 2010 as well as in the Examiner's Answer as described hereinabove, which have already been addressed by Appellants in the Appeal Brief and again hereinabove.

Second, Appellants note that the Examiner again relies on general statements which do not address the specific limitations of Appellants' claim 3. Namely, the Examiner states that "[s]ince Matturi is concerned with the connecting base stations, which are also known as access points, to the network through the exchange of identification information and then accepting the access points to the network...and Gray is similarly concerned with the registration and management of Access Points...it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's disclosure of attaining, through discovery communication exchanges, information unique to access point...for registration and isolation of rogue access points...." (See Examiner's Answer, Pgs. 21 – 22). Appellants submit that this general statement fails to address the specific limitations of Appellants' claim 3.

III. Conclusion

Thus, Appellants submit that Appellants' independent claims 1 and 3 are allowable. Furthermore, since all of the dependent claims that depend from Appellants' independent claims 1 and 3 include all the limitations of Appellants' independent claims 1 and 3 from which they ultimately depend, each such dependent claim also is allowable.

CONCLUSION

Appellants respectfully request that the Board reverse the rejections and pass the claims to allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Wall", written over a horizontal line.

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